Photography Policy

FOREST VIEW SCHOOL

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Statement of intent

At Forest View Primary School, we use images and videos for a variety of purposes, including prospectuses, display boards, educational purposes, conferences, the school learning platform (Seesaw) and the school website. We understand that parents may also wish to take videos or photos of their children participating in school events for personal use.

Whilst we recognise the benefits of photography and videos to our school community, we also understand that these can have significant risks for those involved. Under the legal obligations of the General Data Protection Regulation (GDPR), the school has specific responsibilities in terms of how photos and videos are taken, stored and retained.

The school has implemented a policy on the safe use of cameras and videos by staff and parents to reflect the protective ethos of the school with regard to pupils' safety.

In order to ensure that, as far as possible, the use of photography and video is used safely at all times, the policy provided below should be followed. This policy is applicable to all forms of visual media, including film, print, video, DVD and websites.

Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy has been created with regard to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

This policy also has due regard to the school's policies including, but not limited to, the following:

- GDPR Data Protection Policy

Definitions

For the purposes of this policy:

- "Camera" is used to refer to mobile phones, tablets, webcams, portable gaming devices and any other equipment or devices which may be used to be take photographs.
- "Personal use" of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use by the individual taking the photo and are not intended to be passed on to unknown sources. The principles of the GDPR do not apply to images and videos taken for personal use.

- "Official school use" is defined as photography and videos which are used for school purposes, e.g. for building passes and identity cards. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official school use.
- "Media use" is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper. The principles of the GDPR apply to images and videos taken for media use.
- Staff may also take photos and videos of pupils for "educational purposes". These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

Responsibilities

The headteacher is responsible for:

- Submitting consent forms to parents, and pupils where appropriate, at the beginning of the academic year with regards to photographs and videos being taken whilst at school.
- Ensuring that all photos and videos are stored and disposed of correctly, in line with the GDPR.
- Deciding whether parents are permitted to take photographs and videos during school events.
- Communicating this policy to all the relevant staff members and the wider school community, such as parents.

The designated safeguarding lead (DSL),if not the head teacher, is responsible for:

- Liaising with social workers to gain consent for the use of photographs and videos of pupils in care.
- Liaising with the data protection officer (DPO) to ensure there are no data protection breaches.
- Informing the headteacher of any known changes to a pupil's security, e.g. child protection concerns, which would mean that participating in photography and video recordings would put them at significant risk.

Parents are responsible for:

- Completing/updating the Consent Form on an annual basis.
- Informing the school in writing if they wish to make any changes to their consent.
- Acting in accordance with this policy.

In accordance with the school's requirements to have a DPO, the DPO is responsible for:

- Informing and advising the school and its employees about their obligations to comply with the GDPR in relation to photographs and videos at school.
- Monitoring the school's compliance with the GDPR in regards to processing photographs and videos.
- Advising on data protection impact assessments in relation to photographs and videos at school
- Conducting internal audits regarding the school's procedures for obtaining, processing and using photographs and videos.

- Providing the required training to staff members in relation to how the GDPR impacts photographs and videos at school.

Overall responsibility for the appropriate use of photography at school and in connection with school events rests with the headteacher and the DSL.

Consent

- All photographs and video content are classified as personal data under GDPR, images or video content may be used for publicity or other purposes only when the parent has provided informed consent and has not withdrawn their consent.
- Up to the age of 13, and in some cases 16 depending on the child's maturity, parents are responsible for providing consent on their child's behalf.
- Over the age of 13, except in exceptional cases, pupils may provide consent.
- Parents and pupils are required to be aware that their child/they may be photographed at school and they have the right to withdraw consent for:
    - Photographs or video taken by members of staff for school-based publicity and promotional purposes (school newsletters/prospectus), for use on the school's learning platform or for anonymous use on the school website.
    - Photographs or video taken by members of the press who are on the school premises by invitation in order to celebrate individual, group or school success.
- The school understands that consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- Where consent is given, a record will be kept documenting how and when consent was given and last updated.
- The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data will be found, or the processing will cease.
- Parents and pupils, as applicable, will be asked to complete the Consent Form when they first start the school, when there are changes to the areas that the school would like consent for or if there are a change in a child's circumstance. The form will determine whether or not they allow their child/themselves to participate in photographs and videos.
- The Consent Form will be valid for the child's time at Forest View Primary School, unless the pupil's circumstances change in any way, e.g. if their parents separate, or consent is withdrawn. Additional consent forms will be required if the pupil's circumstances change.
- If there is a disagreement over consent, or if a parent/pupil does not respond to a consent request, it will be treated as if consent has not been given and photographs and videos will not be taken or published of the pupil without consent.
- All parents and pupils are entitled to withdraw or change their consent at any time during the school year.
- Parents or pupils withdrawing their consent must notify the school in writing.
- If any parent or pupil withdraws or changes their consent, or the DSL reports any changes to a pupil's security risk, or there are any other changes to consent, the list will also be updated and re-circulated.
- For any looked after pupils, or pupils who are adopted, the designated teacher will liaise with the pupil's social worker, carers or adoptive parents to establish where consent should be sought. Consideration will be given as to whether identification of an LAC pupil, or pupils who are adopted, would risk their security in any way.
- Consideration will also be given to any pupils for whom child protection concerns have been

raised. Should the DSL believe that taking photographs and videos of any pupils would put their security at further risk, greater care will be taken towards protecting their identity.
- A list of all the names of pupils for whom consent was not given will be created by the admin staff and will be circulated to all staff members. This list will be updated annually, when new consent forms are provided.

General procedures

- Photographs and videos of pupils will be carefully planned before any activity.
- A senior leader or member of the safeguarding team will oversee the planning of any events where photographs and videos will be taken.
- Where photographs and videos will involve looked after pupils, adopted pupils, or pupils for whom there are security concerns, senior leaders will liaise with the DSL to determine the steps involved.
- When organising photography and videos of pupils, the headteacher, as well as any other staff members involved, will consider the following:
    - Can general shots of classrooms or group activities, rather than individual shots of pupils, be used to fulfil the same purpose?
    - Could the camera angle be amended in any way to avoid pupils being identified?
    - Will pupils be suitably dressed to be photographed and videoed?
    - Will pupils of different ethnic backgrounds and abilities be included within the photographs or videos to support diversity?
    - Would it be appropriate to edit the photos or videos in any way (e.g. to remove logos which may identify pupils)?
    - Are the photographs and videos of the pupils completely necessary, or could alternative methods be used for the same purpose? E.g. could an article be illustrated by pupils' work rather than images or videos of the pupils themselves?
- The list of all pupils of whom photographs and videos must not be taken will be checked prior to the activity. Only pupils for whom consent has been given will be able to participate.
- The staff members involved, alongside the headteacher and DPO, will liaise with the DSL if any looked after pupil, adopted pupil, or a pupil for whom there are security concerns is involved.
- School equipment will be used to take photographs and videos of pupils. If a personal device is used, due to availability of equipment, then those photographs and videos must be deleted off the device and any storage clouds before that member of staff leaves the school site.
- Staff will ensure that all pupils are suitably dressed before taking any photographs or videos.
- Where possible, staff will avoid identifying pupils. If names are required, only first names will be used.
- The school will not use images or footage of any pupil who is subject to a court order.
- The school will not use photographs of children or staff members who have left the school, without parental consent.
- Photos and videos that may cause any distress, upset or embarrassment will not be used.
- Any concern relating to inappropriate or intrusive photography or publication of content is to be reported to the DPO.

Additional safeguarding procedures

- The school understands that certain circumstances may put a pupil's security at greater risk and, thus, may mean extra precautions are required to protect their identity.
- The designated teacher will, in known cases of a pupil who is an child in care or who has been adopted, liaise with the pupil's social worker, carers or adoptive parents to assess the

needs and risks associated with the pupil.

- Any measures required will be determined between the DSL, social worker, carers, DPO and adoptive parents with a view to minimising any impact on the pupil's day-to-day life. The measures implemented will be one of the following:
    - Photos and videos can be taken as per usual school procedures
    - Photos and videos can be taken within school for educational purposes and official school use, e.g. on registers, but cannot be published online or in external media
    - No photos or videos can be taken at any time for any purposes
- Any outcomes will be communicated to all staff members via a staff meeting and the list outlining which pupils are not to be involved in any videos or photographs, held on the school's shared staff drive, will be updated accordingly.

School-owned devices

- Staff are encouraged to take photos and videos of pupils using school equipment only. School owned devices are not to be taken off-site.
- Where school-owned devices are used, images and videos will be provided to the school at the earliest opportunity and removed from any other devices.
- Photographs and videos taken by staff members on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.
- Digital photographs and videos held on the school's drive are accessible to staff only. Photographs and videos are stored in labelled files, annotated with the date, and are only identifiable by year group/class number – no names are associated with images and videos

General use of digital cameras

- Members of staff may be provided with a camera to record and maintain pictorial evidence of the lessons, behaviour, activities and events related to their pupils.
- Photos may only be taken for educational purposes and in "school or educational provision settings" as mentioned above.
- School staff are permitted to use personal cameras, mobile phone cameras or other recording equipment on school premises for official school reasons. All staff are aware that all media that has been taken on personal devices must be deleted once the picture or has been uploaded onto a school system and before they leave site each evening.
- Members of staff are not allowed to take school cameras or memory cards home.
- Cameras are not permitted to be taken into the toilet/or swimming pool/changing area. If necessary (e.g. photographs of pupils washing their hands), then prior permission needs to be sought from the headteacher. Staff members are required to be supervised while carrying out this activity.
- Staff or other adults are not permitted to take photographs of pupils in vulnerable circumstances, such as when they are upset or inappropriately dressed.
- Members of staff and the school community are required to report inappropriate use of digital cameras and images to the headteacher. If it is found that any incidents raise child protection concerns, immediate action will be taken in consultation with the DSL.
- The school is not responsible for lost, stolen or damaged camera equipment. This remains the responsibility and obligation of the member of staff.

Storing and retention

- Images obtained by the school will not be kept for longer than necessary.

- Any hard copies of photos and video recordings held by the school will be annotated with the date on which they were taken and will be stored in a secure location. They will not be used other than for their original purpose, unless permission is sought from the headteacher and parents of the pupils involved and the DPO has been consulted.
- Paper documents will be shredded or pulped and electronic memories scrubbed clean or destroyed once the retention period has ended.
- Regular reviews of stored images and videos will ensure that all unwanted material has been deleted.
- Where a parent or pupil has withdrawn their consent, any related imagery and videos involving their child/the pupil will be removed from the school drive immediately.
- When a parent withdraws consent, it will not affect the use of any images or videos for which consent had already been obtained. Withdrawal of consent will only affect further processing.
- Where a pupil's security risk has changed, the DSL will inform the headteacher immediately. If required, any related imagery and videos involving the pupil will be removed from the school drive immediately. Hard copies will be removed by returning them to the parent/pupil or by shredding, as appropriate.
- Official school photos are held on SIMS alongside other personal information and are retained for the length of the pupil's attendance at the school, or longer if necessary, e.g. due to a police investigation.
- Images taken on school equipment must be downloaded as soon as possible on to a school computer/laptop, ideally once a week.
- Members of staff are responsible for ensuring that images are safely stored, particularly on hard drives The use of memory sticks to store photographs is prohibited. They must take reasonable measures to ensure that they do not come into the possession of unauthorised persons.
- No digital image will be altered or enhanced in any way by any member of staff, unless given prior permission by the headteacher to do so.
- The school may require images to be deleted or edited as appropriate and may choose to use images taken by members of staff or volunteers for other purposes, provided the processing conditions and consent requirements of this policy are met.
- Staff members are responsible for ensuring that edited images do not mislead or misrepresent. They must not edit images which result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.
- If the memory card for individual school cameras needs to be replaced, then the replaced memory card will be destroyed to ensure that no images can be recovered.
- Members of staff must remember that, even when images are physically deleted from a camera or memory card, the camera or the memory card has to be appropriately disposed of to ensure that no imprint remains.

Appropriate use of images under GDPR

- Photographs are used in school for many reasons and the different uses for the same image should be considered separately, as each photograph and use will potentially have different conditions for processing.
- To judge whether legitimate interest can be used as the basis for processing data, such as using pupils' photographs as part of the school's management information system, the school will carry out three different tests, these are:
    - A purpose test – establishing the reasons for using the data, what will be achieved and whether the benefits are justifiable.
    - A necessity test – establishing whether the processing of pupils' data will be useful

and whether there is a less intrusive way of reaching a means to an end.
    - A balance test – establishing the impact it will have on the data subject by processing the data for said reason.
- These three tests make up a 'legitimate interest assessment' (LIA) – the school will carry out an LIA prior to obtaining the data and it will be recorded in a physical copy in compliance with the GDPR.

Photographs used in identity management

- These are likely to be essential for performing the public task of the school, but they will be deleted once the child is no longer in attendance – as it is no longer needed for the purpose for which it was held.

Photographs used for marketing purposes

- Photographs will not be used for marketing purposes unless the school has specific informed consent for the images and the images are only used in line with the consent provided.

Photographs in the school environment relating to education

- These photographs may be essential for performing the public task of the school, but once the pupil has left the school this argument is insufficient. If the school wishes to display the image beyond the pupil's time at the school, we will obtain the pupil's permission. If permission is not granted, the image will be removed.
- When gaining consent, including when initially taking the photograph or when the purpose of the image has changed, the pupil, or where appropriate their parents, will be informed of the retention period pertaining to the use of the image. If the image is still on display after the retention period stated in the privacy notice used to gain consent, the school will be in breach of data protection obligations and may be subject to a fine.

Privacy notices

- The school uses privacy notices with declarations attached to inform pupils and their families about how their personal data may be collected and as one method of gaining consent.

Sharing of images

- All images taken by members of staff or volunteers at school or on school activities remain the property of the school.
- Images must not be shared with anyone outside the school or held for private use.
- No digital image will be uploaded onto any internet/intranet system without the express permission of the child's parent/carer.
- Images may under no circumstances be emailed or shared via private e-mail accounts unless a parent has asked for a photo of their child to be sent to them. If a parent requests a photograph to be sent to them this should only be done from the school admin email.
- Unless specific prior consent has been obtained, members of staff and volunteers must not post school images on personal pages of social networking sites or other websites.

Use of a professional photographer

- If the school decides to use a professional photographer for official school photos and school

events, the headteacher will:

- Provide a clear brief for the photographer about what is considered appropriate, in terms of both content and behaviour.
- Issue the photographer with identification, which must be worn at all times.
- Let pupils and parents know that a photographer will be in attendance at an event and ensure they have previously provided consent to both the taking and publication of videos and/or photographs.
- Not allow unsupervised access to pupils or one-to-one photo sessions at events.
- Communicate to the photographer that the material may only be used for the school's own purposes and that permission has not been given to use the photographs for any other purpose.
- Ensure that the photographer will comply with the requirements set out in GDPR.
- Ensure that if another individual, such as a parent or governor, is nominated to be the photographer, they are clear that the images and/or videos are not used for anything other than the purpose indicated by the school.

Permissible photography and videos during school events

- If the headteacher permits parents to take photographs or videos during a school event, parents will:
  - Remain seated while taking photographs or videos during concerts, performances and other events (or stand behind everyone else).
  - Minimise the use of flash photography during performances.
  - In the case of all school events, make the focus of any photographs and/or videos their own children.
  - Avoid disturbing others in the audience or distracting pupils when taking photographs or recording videos.
  - Ensure that any images and recordings taken at school events are exclusively for personal use and are not uploaded to the internet, posted on social networking sites or openly shared in other ways.
  - Refrain from taking further photographs and/or videos if and when requested to do so by staff.

Photographs taken by parents/carers do not come under the schools GDPR/photo consent compliance provided they are used for personal use only and are taken in accordance with the guidance provided in this policy. The ICO states that photographs of children taken by parents/friends at school events do not come under GDPR and data protection laws.